

FEB. 27. 2002 3:49PM
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TO:

Examiner My-Chau Tran	U.S. Commissioner for Patents	703-746-7722
NAME	COMPANY/FIRM	FAX NUMBER
Washington	DC	703-305-6999
CITY	STATE	(TELEPHONE NUMBER)

FROM:

Patrea L. Pabst	404-817-8473	9
NAME	TELEPHONE	TOTAL PAGES (Including Cover Sheet)

FOR THE RECORD:

DATE: February 27, 2002	URGENCY: <input checked="" type="checkbox"/> SUPER RUSH	<input type="checkbox"/> RUSH	<input type="checkbox"/> REGULAR
FAXED BY:	FILE #: 075244/00012	CLIENT NAME: UWS 105	
CONFIRMED: <input type="checkbox"/> YES <input type="checkbox"/> NO	NAME:	TIME:	

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FEB. 27. 2002 3:50PM

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NO. 0944 P. 2

The "Received" stamp of the Patent Office imprinted hereon acknowledges the filing of:

Applicants: Alan S. Hoffman, Patrick S. Stayton, and Niren Murthy

Serial & Docket Nos.: 09/755,701 UWS 105

Filed: January 15, 2001

Papers Submitted:

Response to Restriction Requirement with Certificate of Mailing Under 37 C.F.R. § 1.8(a) ;
Transmittal Form, Fee Transmittal (in duplicate); Petition for One Month Extension of Time (in
duplicate); check for \$55.00 and authorization to charge/credit the deposit order account.

Date: January 16, 2002 Client/Matter No.: 075244/00012

By: Patrea L. Pabst, Reg. No. 31,284

ATL1 #503015 v1

Docketed for _____

By: aps

Date: 1-28-02

FEB. 27. 2002 3:50PM

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NO. 0944 P. 3

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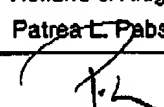
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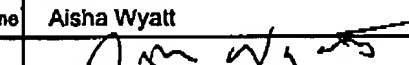
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/755,701	
	Filing Date	January 5, 2001	
	First Named Inventor	Alan S. Hoffman	
	Group Art Unit	1641	
	Examiner Name	My-Chau T. Tran	
Total Number of Pages in This Submission	8	Attorney Docket Number	UWS 105

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Holland & Knight LLP Patricia L. Pabst, Reg. No. 31,284
Signature	
Date	January 16, 2002

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <u>January 16, 2002</u>	
Typed or printed name	Aisha Wyatt
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Date	January 16, 2002

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078244/00012

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**FEE TRANSMITTAL
for FY 2001**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 55.00**Complete if Known**

Application Number	09/755,701
Filing Date	January 5, 2001
First Named Inventor	Alan S. Hoffman
Examiner Name	My-Chau T. Tran
Group Art Unit	1641
Attorney Docket No.	UWS 105

METHOD OF PAYMENT (check one)

- 1.
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- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

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- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☒
- Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☒
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Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	208	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	206	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$)**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid	
32	-50	= 0	X	
3	-3	= 0	X	
Multiple Dependent				

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	80	202	40	Independent claims in excess of 3	
104	270	204	135	Multiple dependent claim, if not paid	
109	80	209	40	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	820*	112	820*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	55.00
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
129	240	129	240	Submission of Information Disclosure Stmt	
561	40	561	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
178		278	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 55.00**SUBMITTED BY**

Name (Print/Type)

Patricia L. Pabst

Registration No.
(Attorney/Agent)

31,284

Complete (if applicable)

Telephone

404-817 8473

Signature

Date

January 16, 2002

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078244/00012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alan S. Hoffman, Patrick S. Stayton, and Niren Murthy

Serial No.: 09/755,701

Art Unit: 1641

Filed: January 5, 2001

Examiner: My-Chau T. Tran

For: *"ENHANCED TRANSPORT USING MEMBRANE DISRUPTIVE AGENTS"*

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Responsive to the Office Action mailed November 16, 2002, please consider the following remarks. Submitted with this Response is a Petition for Extension of Time, along with the required fee for a small entity, to extend the period for response one month, to and including January 16, 2002.

Please address all future correspondence to:

**Patrea L. Pabst
Holland & Knight LLP
One Atlantic Center, Suite 2000
1201 West Peachtree Street
Atlanta, GA 30309-3400**

**(404) 817-8473
(404) 817-8588 (fax)**

It is believed that no additional fee is required with this submission. However, should a an additional fee be required, the Commissioner is hereby authorized to charge any additional

U.S.S.N. 09/755,701

Filed: January 5, 2001

RESPONSE TO RESTRICTION REQUIREMENT

fees to Deposit Account No. 50-1868. To facilitate this process, Applicants enclose a duplicate of this document.

Remarks**Response to Restriction Requirement**

1. In the Office Action mailed November 16, 2001, the claims were divided into three groups, Group I, claims 1-19, drawn to a composition for disruption of a membrane; Group II, claims 20-26, drawn to a method of making a polymer for disruption of a membrane; and Group III, claims 27-32, drawn to a method of use of a polymer to disrupt a cell or organelle.

In response, applicants elect Group II, claims 20-26, with the understanding that claims 1-19 of Group I will also be examined. This election is made with traverse.

The basis for the Examiner's assertion that restriction is proper between said method of making and method of using solely relies upon the assumption that the product is not allowable. M.P.E.P. 806.05(i) states "determination of patentability of the product need not be made prior to making a requirement for restriction *unless the requirement is based on a determination that the product claims are not allowable.*" In this case, a determination must be made as to the patentability of the product. The Applicants submit that claims 1-32 should be examined as a single invention.

If the Examiner is asserting that groups I-III represent distinct inventions, the Applicants submit that a three-way requirement for restriction can only be made where the process of making is distinct from the product (See 37 C.F.R. § 1.141). The Examiner has provided no evidence to support a distinction between the process of making and the claimed product.

U.S.S.N. 09/755,701


Filed: January 5, 2001

RESPONSE TO RESTRICTION REQUIREMENT

Therefore, the use claims may be joined with the claims directed to the product and the process of making (even though a showing of distinctness between the product and process of using the product can be made).

Favorable consideration of claims 1-32 is earnestly solicited.

Respectfully submitted,

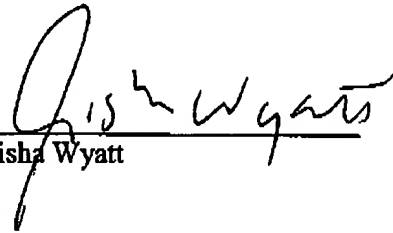

Patrea L. Pabst
Reg. No. 31,284

Date: January 16, 2002

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Certificate of Mailing Under 37 C.F.R. § 1.8(a)

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Aisha Wyatt

Date: January 16, 2002

ATL1 #502857 v1